

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO**

IN RE:

**DIAZ, JOYCE F
DEBTOR(S)**

CASE NO. 10-01901(BKT)

CHAPTER 7

**TRUSTEE'S MOTION REQUESTING
ENTRY OF ORDER DISMISSING THE CASE**

TO THE HONORABLE COURT:

COMES NOW, Wigberto Lugo Mender, duly appointed trustee of the above captioned case, who respectfully prays this Honorable Court as follows:

1. The above caption case was filed as a Chapter 7 on March 11, 2010.
2. The meeting of creditors, pursuant to 11 U.S.C. Section 341 was scheduled for April 6, 2010.
3. At said meeting the undersigned trustee requested some amendments to the schedules B & C.
4. The trustee states that as of this date debtor has not provide the amended schedule. Moreover, debtor has failed to provide This conduct violates the provisions of 11 U.S.C. Section 521(a)(1) and constitutes cause for the entry of an Order dismissing this case.
5. The trustee respectfully states that debtor's failure to provide the requested information precludes his administration of the assets of this estate, main reason why this case should be dismissed.

NOTICE TO PARTIES IN INTEREST

PLEASE TAKE NOTICE that unless a written response to this motion requesting dismissal is filed, in writing, with the Clerk of the U.S. Bankruptcy Court with copy to the undersigned

within 30 days from the date of this notice, this case will be dismissed without further notice or hearing.

WHEREFORE, the undersigned Trustee respectfully prays this Honorable Court for an Order Dismissing this Case pursuant to 11 U.S.C. Section 521(h)(2).

I HEREBY CERTIFY: That on this same date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System which will send notification of such filing to the parties appearing in said system

RESPECTFULLY SUBMITTED.

I HEREBY CERTIFY: That on the same date a copy of this document has been mailed to the **United States Trustee's Office** at Ochoa Building, Suite 301, 500 Tanca Street, Old San Juan, PR 00901-1922; **Joyce F Diaz (Debtor)** Box 20111, PMB 15, Las Piedras, PR 00771 and **Hector J Figueroa Vincenty, Esq., (Attorney for Debtor)** Luisa 61, apto 1-A, San Juan, PR 00907.

In Guaynabo, Puerto Rico, this 10 of February of 2011.

s/ Wigberto Lugo Mender

WIGBERTO LUGO MENDER

CHAPTER 7 TRUSTEE

Centro Internacional de Mercadeo

Carr 165, Torre 1, Suite 501

Guaynabo, PR 00968

Tel 787/707-0404

Fax 787/707-0412

trustee@lugomender.com

Department of Defense Manpower Data Center

Feb-10-2011 13:06:03



Military Status Report
Pursuant to the Service Members Civil Relief Act

Last Name	First/Middle	Begin Date	Active Duty Status	Active Duty End Date	Service Agency
DIAZ	JOYCE F	Based on the information you have furnished, the DMDC does not possess any information indicating the individual status.			

Upon searching the information data banks of the Department of Defense Manpower Data Center, based on the information that you provided, the above is the current status of the individual as to all branches of the Uniformed Services (Army, Navy, Marine Corps, Air Force, NOAA, Public Health, and Coast Guard).

Mary M. Snavely-Dixon, Director
Department of Defense - Manpower Data Center
1600 Wilson Blvd., Suite 400
Arlington, VA 22209-2593

The Defense Manpower Data Center (DMDC) is an organization of the Department of Defense that maintains the Defense Enrollment and Eligibility Reporting System (DEERS) database which is the official source of data on eligibility for military medical care and other eligibility systems.

The DoD strongly supports the enforcement of the Service Members Civil Relief Act (50 USC App. §§ 501 et seq, as amended) (SCRA) (formerly known as the Soldiers' and Sailors' Civil Relief Act of 1940). DMDC has issued hundreds of thousands of "does not possess any information indicating that the individual is currently on active duty" responses, and has experienced a small error rate. In the event the individual referenced above, or any family member, friend, or representative asserts in any manner that the individual is on active duty, or is otherwise entitled to the protections of the SCRA, you are strongly encouraged to obtain further verification of the person's status by contacting that person's Service via the "defenselink.mil" URL <http://www.defenselink.mil/faq/pis/PC09SLDR.html>. If you have evidence the person is on active duty and you fail to obtain this additional Service verification, punitive provisions of the SCRA may be invoked against you. See 50 USC App. §521(c).

If you obtain additional information about the person (e.g., an SSN, improved accuracy of DOB, a middle name), you can submit your request again at this Web site and we will provide a new certificate for that query.

This response reflects **active duty status** including date the individual was last on active duty, if it was within the preceding 367 days. For historical information, please contact the Service SCRA points-of-contact.

More information on "Active Duty Status"

Active duty status as reported in this certificate is defined in accordance with 10 USC § 101(d)(1) for a period of more than 30 consecutive days. In the case of a member of the National Guard, includes service under a call to active service authorized by the President or the Secretary of Defense for a period of more than 30 consecutive days under 32 USC § 502(f) for purposes of responding to a national emergency declared by the President and supported by Federal funds. All Active Guard Reserve (AGR) members must be assigned against an authorized mobilization position in the unit they support. This includes Navy TARs, Marine Corps ARs and Coast Guard RPAs. Active Duty status also applies to a Uniformed Service member who is an active duty commissioned officer of the U.S. Public Health Service or the National Oceanic and Atmospheric Administration (NOAA Commissioned Corps) for a period of more than 30 consecutive days.

Coverage Under the SCRA is Broader in Some Cases

Coverage under the SCRA is broader in some cases and includes some categories of persons on active duty for purposes of the SCRA who would not be reported as on Active Duty under this certificate.

Many times orders are amended to extend the period of active duty, which would extend SCRA protections. Persons seeking to rely on this website certification should check to make sure the orders on which SCRA protections are based have not been amended to extend the inclusive dates of service. Furthermore, some protections of the SCRA may extend to persons who have received orders to report for active duty or to be inducted, but who have not actually begun active duty or actually reported for induction. The Last Date on Active Duty entry is important because a number of protections of SCRA extend beyond the last dates of active duty.

Those who would rely on this certificate are urged to seek qualified legal counsel to ensure that all rights guaranteed to Service members under the SCRA are protected.

WARNING: This certificate was provided based on a name and SSN provided by the requester. Providing an erroneous name or SSN will cause an erroneous certificate to be provided.
Report ID:5CDERKHD04